



U.S. Department of Justice

United States Attorney  
Southern District of New York

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86 Chambers Street  
New York, New York 10007

November 14, 2022

**BY ECF**

The Honorable Vernon S. Broderick  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *Riverkeeper, Inc. v. Regan*, No. 17 Civ. 4916 (VSB)

Dear Judge Broderick:

On behalf of defendants and with the consent of all parties, I write to provide the Court a status update as provided in the Court's endorsed order dated September 14, 2022 [ECF No. 187]. Since September 14, the parties have continued their discussions regarding intervenor-defendant New York State Department of Environmental Conservation's ("NYSDEC") advanced notice of proposed rulemaking ("ANPRM"), which was referenced in defendants' August 10, 2022 letter to the Court [ECF Nos. 184]. NYSDEC is continuing to work on updates to New York State's water quality standard regulations and waterbody classifications and intends to issue a notice of proposed rulemaking by the end of March 2023.

To facilitate these ongoing discussions and administrative processes, defendants respectfully request that the Court continue to hold in abeyance any action on the parties' pending cross-motions for summary judgment and NYSDEC's motion to amend its answer to assert a cross-claim against EPA [ECF Nos. 128, 150, 145, 154, 173], until **January 20, 2023**. Defendants further propose that the parties submit a joint status letter to the Court on or before **January 17, 2023**. This is the defendants' third request for the Court to hold these motions in abeyance. Plaintiffs and intervenor-defendants NYSDEC and NYC consent to this request.

We thank the Court for its consideration of this request.

Hon. Vernon S. Broderick  
November 14, 2022

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Respectfully,

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United States Attorney

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cc (via ECF): All counsel of record